



EARTHJUSTICE

Because the earth needs a good lawyer



For Immediate Release: 6/5/2009

Contact:

Will Rostov, Earthjustice, (510) 550-6725

Torm Nompraseurt, Asian Pacific Environmental Network, 510-323-5245

Jessica Tovar, Communities for a Better Environment, (415) 596-3517

Henry Clark, West County Toxics Coalition, (510) 232-3427

Court Rejects Environmental Review for Chevron Refinery

Community and public health advocates cheer

Martinez, CA – Today, Contra Costa County Superior Court Judge Barbara Zuniga tossed out the Environmental Impact Report for a major expansion at the Chevron Refinery, in Richmond, California.

At issue was an environmental review that failed to disclose that the proposed expansion would allow Chevron to process a heavier crude oil. Environmental, community, and public health groups sued the City of Richmond for accepting a flawed EIR that did not fully analyze the project's health and environmental impacts. Heavier crude oil can contain higher amounts of contaminants, such as mercury and selenium, which can cause serious health problems.

“The City of Richmond signed off on an oil refinery expansion plan that likely would have opened the gates for Chevron to refine heavier, dirtier crude oil,” said Earthjustice attorney Will Rostov. “This could have increased pollution in Richmond and surrounding areas.”

In her decision, Judge Zuniga said: “The [Final Environmental Impact Report] project description is unclear and inconsistent as to whether [the] project will or will not enable Chevron to process a heavier crude slate than it is currently processing.”

“Protecting our communities from additional toxic and global warming pollution is a huge victory,” said Jessica Tovar, a community organizer with Communities for a Better Environment. “This is an opportunity to invest in clean green energy as a solution, instead of compromising our health by locking in a generation of refining dirtier crude oil.”

“The decision is a victory for the community,” said Koy Seng Saechao, a community leader with the Asian Pacific Environmental Network. “We need green and healthy solutions from Chevron and our City, not more pollution. The decision protects my family and neighbors from even more pollution and allows us to plan for a healthier future.”

“Chevron must stop its toxic assault on poor people of color,” said Dr. Henry Clark of the West County Toxics Coalition. “This is a significant environmental justice victory for Richmond and the country.”

The court also held that the City improperly allowed Chevron to wait a year after the EIR process was completed before developing a plan to mitigate its greenhouse gases. This is one of the first decisions addressing the deferral of greenhouse gas mitigations under the California Environmental Quality Act.

Finally, the court agreed with Plaintiffs that the project had omitted an important component: a hydrogen pipeline that would attach to the newly approved hydrogen plant – one of the project's four key components – and stretch to ConocoPhillips Rodeo Refinery and Shell's Martinez refinery.

BACKGROUND

Communities in Richmond, particularly low-income and communities of color already suffer from industrial pollution-related health problems, including high rates of asthma and cancer. Chevron's refinery is the largest industrial polluter in the region.

The case *Communities for a Better Environment, Asian Pacific Environmental Network & West County Toxics Coalition v. City of Richmond* was filed in Contra Costa County Superior Court on September 4th, 2008 by attorneys from Earthjustice and CBE.